

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
(609) 989-2040

CHAMBERS OF
TONIANNE J. BONGIOVANNI
UNITED STATES MAGISTRATE JUDGE

U.S. COURTHOUSE
402 E. STATE STREET, RM 6052
TRENTON, NJ 08608

April 30, 2013

LETTER ORDER

Re: Slutsky, et al. v. Guadagno, et al.
Civil Action No. 10-5331 (PGS)

Dear Counsel and the Slutskys:

By letter order dated April 4, 2013 the Court denied without prejudice Plaintiffs' Motion to Compel discovery from Defendants Kim Guadagno, William Fraser, Monmouth County Sheriff's Office, and Monmouth County Correction Institution ("Defendants") [Docket Entry No. 36]. The Court reasoned that It could not rule at that time because "it is unclear what privilege(s) is(are) being asserted" by Defendants. *Id.* at *4. In responding to Plaintiffs' initial demand, Defendants invoked the privileges of self-critical analysis and deliberative process. However, in opposing the Motion to Compel, Defendants maintained that the information was privileged pursuant to Fed. R. Civ. P. 26(b)(3)(A) as well as the official information privilege. Therefore, the Court required Defendants to produce a privilege log and then subsequently conducted an *in camera* review of the documents which Defendants asserted were privileged.

Upon review of same, the Court finds that the documents were prepared in anticipation of litigation and are therefore covered by the work product privilege. As such, the Court finds that Plaintiffs are not entitled to those requested documents. Because this was the only privilege asserted in Defendants' privilege log, the Court declines to reach any of the other asserted privileges and, in light of Its ruling, need not do so.

In light of the foregoing, the Court is directing the parties to provide any input regarding the remaining schedule by **May 7, 2013**.

IT IS SO ORDERED.

s/ Tonianne J. Bongiovanni
TONIANNE J. BONGIOVANNI
United States Magistrate Judge